

Amendments to the Drawings:

Please replace the originally filed drawings with the two replacement sheets and the new sheet provided in the Appendix. Replacement sheets (1/3) and (2/3) are the same as the original sheets but are renumbered. New Sheet (3/3) includes new Figure 4, which is similar to Figure 2 but excludes in this view the second reinforcement profile 9 and the second reinforcement wiring 8'. Accordingly, no new matter is added.

Attachment: 2 Replacement Sheets and 1 New Sheet

### REMARKS/ARGUMENTS

In the Office Action dated April 14, 2005, Claims 1-27 are pending, of which Claims 1-17 and 25-27 are elected for prosecution. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims, which are canceled above.

The Office Action includes objections to the drawings and the specification, each of which are addressed below. Claims 1-4, 15, 16, and 25-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,879,804 to Hammond. Claims 1-7, 15, 16, and 25-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,429,592 to Merkwacz. In addition, Claims 25-27 are rejected under 35 U.S.C. § 102(b), presumably as being anticipated by U.S. Patent No. 1,345,971 to Star. Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond in view of U.S. Patent No. 3,976,312 to Murphree. Claims 7-14 are indicated to be allowable if rewritten to overcome unstated rejections under 35 U.S.C. § 112, second paragraph.

Referring first to the objections to the drawings, Applicant is submitting a complete set of replacement drawings herewith, and each of the objections are addressed. First, the Office Action indicates that reference numeral **7c** is not mentioned in the description. In this regard, Applicant directs the Examiner's attention to page 11, line 4 of the application, which refers to "terminuses **7c**." In light of this reference, Applicant respectfully submits that no correction is required.

With regard to the objection made under 37 CFR 1.83(a), the Office Action states that "at least one wiring support member must be shown or the feature(s) canceled from the claim(s)." Office Action, page 4. As described in the present application, "reinforcement profiles **15** (e.g., wiring support members) are provided, which are positioned between the first and the second substrates **2a**, **2b** and have the purpose of reinforcing the elastomeric expansion joints **1**, with each of the reinforcement profiles **15** having a substantially annular body and being provided with retention walls for winding a reinforcement wiring **8**, **8'** along its perimeter." Page 7, lines 4-9. More particularly, "reinforcement profiles **15**, in turn, comprise a first reinforcement profile **7** and a second reinforcement profile **9**, which extend along a perimeter of (e.g., extend around

the central axis of) the tubular section 1' and respectively support first and second reinforcement wirings 8, 8' along their lengths." Page 7, lines 10-14. Thus, the wiring support members are shown in the drawings as the reinforcement profiles 7 and 9, each of which supports the wirings 8 and 8'. See Figures 2 and 3 (cross-sectional views of the profiles). A single wiring support member can be provided (see reinforcement profile 7 in Figure 4), or multiple wiring support members can be provided (see the reinforcement profiles 7 and 8 in Figure 3). Accordingly, Applicant submits that the drawings show all of the features set forth in the claims. The specification has been amended to refer to newly added Figure 4.

Turning now to the objections to the specification, Applicant has amended the titled above as suggested by the Examiner. In addition, the Abstract is amended above to address the Examiner's concerns. Regarding the objection made under 37 CFR 1.75(d)(1) (requesting proper antecedent basis for the "at least one wiring support member"), Applicant submits that the application describes and illustrates a wiring support member, as explained above. Accordingly, Applicant respectfully submits that each of the objections has been addressed.

Applicant now addresses the rejections of the claims. In particular, regarding the rejection of independent Claim 1 as being anticipated by Hammond or Merkwacz, Applicant respectfully traverses. Claim 1 is directed to an elastomeric expansion joint that includes first and second substrates with fabrics arranged therebetween and defining a tubular section. The tubular section includes first and second end portions, a moveable central region, and first and second intersection portions that are respectively defined between each of the end portions and the central region. The intersection portions and the end portions define a reinforcement section, in which a first reinforcement wiring is positioned. A second reinforcement wiring is positioned between the first and second substrates in the intersection portions. Further, at least one wiring support member is positioned between the first and the second substrates. The wiring support member is positioned in the reinforcement section, extends at least partially around a central axis of the tubular section, and supports at least the first reinforcement wiring along its length. Thus, the wiring support member is positioned in a reinforcement section that is defined by the intersection portions and the end portions of the tubular section. As discussed in the application,

this unique configuration results in an expansion joint that is both flexible and resistant at the same time.

The Office Action states that Hammond also discloses an elastomeric expansion joint and indicates that the annular reinforcing element **36** of Hammond corresponds to the claimed wiring support member. However, even if the annular reinforcing element **36** is considered to be a wiring support member, the annular reinforcing element **36** is not positioned in the reinforcement section as claimed. That is, the "reinforcement section" is defined by the intersection portions and end portions, i.e., outside the moveable central region that is between the intersection portions. Hammond does not teach or suggest positioning the annular reinforcing element **36** in a reinforcement section that is so located. Instead, Hammond discloses that the annular reinforcing element **36** is provided around the central region of the expansion joint. Further, the reinforcing element **36** prevents the central region from being moveable as set forth in Claim 1. Accordingly, Applicant submits that Claim 1 is allowable over Hammond, as are each of Claims 2-4 and 15-16, which depend therefrom. Claims 25-27 are amended to depend from Claim 1 and are also therefore patentable over Hammond for the same reasons.

Merkwacz similarly fails to disclose the wiring support member in a reinforcement section as recited in Claim 1. In this regard, the Office Action states indicates that the rubber ply **34** of Merkwacz corresponds to the wiring support member recited in Claim 1. However, the ply **34** of Merkwacz apparently extends throughout the whole expansion joint, including its central region. Therefore, to the extent that the ply **34** provides a reinforcing function in the reinforcement section, it also increases the rigidity in the central region, thereby preventing the central region from being moveable as claimed. This aspect of Merkwacz is also discussed in the present application at page 2, lines 23-28. In any case, Merkwacz does not teach or suggest a wiring support member that is positioned in a "reinforcement section" as recited in Claim 1. Therefore, Claims 1 is allowable over Merkwacz, as are each of Claims 2-7, 15, 16, and 25-27, which depend therefrom.

With regard to the rejection of Claims 25-27 as being anticipated by Star, these claims have been amended to depend from Claim 1. Star does not teach the features of Claim 1, and therefore does not anticipate the claims as amended.

The rejection of Claim 17 as being unpatentable over Hammond and Murphee is also addressed by the above comments. That is, Claim 17 is dependent on Claim 1, and Murphee fails to cure the deficiencies of Hammond.

With regard to Claims 7-14, the Office Action states that these claims would be allowable if rewritten to overcome a rejection under 35 U.S.C. § 112, second paragraph. However, no such rejection is set forth in the Office Action, and Applicant respectfully submits that the claims are allowable.

Newly added Claim 28 depends from Claim 1 and is therefore allowable for the reasons set forth above. Further, Claim 28 recites that "the wiring support member is positioned entirely within the reinforcement sections such that the wiring support member supports the first reinforcement wiring without preventing movement of the moveable central region," a feature that is illustrated in Figure 1 of the present application and which is not taught or suggested by the cited references.

For the foregoing reasons, Applicant submits that Claims 1-17 and 25-28 are allowable over the cited references.

\* \* \* \*

## CONCLUSIONS

In view of the remarks presented above, Applicant submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/772,995  
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Page 13

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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